

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**IN THE INTEREST OF: G.E.R.;  
JUVENILE OFFICER**

**v.  
B.R. (FATHER)**

**RESPONDENT,**

**APPELLANT.**

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DOCKET NUMBER WD77128

DATE: September 9, 2014

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Appeal From:

Cass County Circuit Court  
The Honorable Meryl L. Lange, Judge

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Appellate Judges:

Division Three: Gary D. Witt, Presiding Judge, Joseph M. Ellis, Judge and Thomas H. Newton, Judge

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Attorneys:

Roya R. Hough, Harrisonville, MO, for respondent.

Patricia L. Lear-Johnson, Peculiar, MO, for appellant.

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**MISSOURI APPELLATE COURT OPINION SUMMARY**

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JUVENILE OFFICER,**

**v.  
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Cass County

Before Division Three: Gary D. Witt, Presiding Judge, Joseph M. Ellis, Judge and Thomas H. Newton, Judge

When G.E.R. was born, she tested positive for marijuana and exposure to methamphetamine. Unbeknownst to Father, the Children's Division ("Division") took jurisdiction over G.E.R. and was granted temporary protective custody. In June, 2009, G.E.R. was placed in the legal custody of the Division. Mother did not list a father's name on the birth certificate.

Appellant Father attempted to contact Mother and see the child. Mother and her extended family intentionally concealed the whereabouts of the child and never told Father that G.E.R. had been removed from her care. Father then became incarcerated and served a three-year sentence. During his incarceration, he contacted Mother multiple times and was led to believe that he would have a relationship with the child upon his release. In October, 2012, Father learned for the first time that Mother did not have custody of G.E.R. and that a petition to terminate each of their parental rights had been filed. Father immediately began communicating with the Division to assert his custody rights and complied with the Division's requests to establish a relationship with the child.

After a hearing, the trial court terminated both Mother's and Father's parental rights. The court found that Father had abandoned the child under Section 211.447.5(1). Mother did not appear at trial and does not appeal the termination of her parental rights.

**REVERSED IN PART; AFFIRMED IN PART.**

Division Three Holds:

The record does not support a finding of voluntary and intentional abandonment sufficient to support termination as to Father. The termination of Mother's parental rights is affirmed; the termination of Father's parental rights is reversed.

Opinion by Gary D. Witt, Judge

September 9, 2014

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